

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Walter P. Carney, et al.
U.S. Serial No. : 08/488,180 Examiner: S. Huff
Filed : June 7, 1995 Group Art Unit: 1642
For : DETECTION AND QUANTIFICATION OF NEU RELATED
PROTEINS IN THE BIOLOGICAL FLUIDS OF HUMANS

1185 Avenue of the Americas
New York, New York 10036
September 30, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

Attn: Ms. Cecilia Tsang
Special Program Examiner
Technology Center 1600

Sir:

PETITION UNDER 37 C.F.R. §1.313(a) TO
WITHDRAW APPLICATION FROM ISSUE AND CONTINGENT
INFORMATION DISCLOSURE STATEMENT AND AMENDMENT

Applicants hereby request withdrawal of the above-identified application from issue. A Notice of Allowance was issued in connection with the subject application on July 2, 2002, indicating that the issue fee is due on October 2, 2002. As of the filing of this Petition, the issue fee has not been paid. Accordingly, this Petition is being timely filed.

Under 37 C.F.R. §1.313(a), an application "may be withdrawn from issue for further action...upon petition by the applicant." Such a petition must include "the fee set forth in §1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary".

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With respect to this Petition, the withdrawal of the application from issue is necessary to ensure consideration of all prior art known to those having a duty of disclosure under 37 C.F.R. §1.56. It has recently come to the attention of applicants' undersigned attorney that certain prior art was not disclosed in the instant application. Therefore, to disclose such prior art, an Information Disclosure Statement under 37 C.F.R. §1.97(d) is annexed hereto as **Exhibit A**, accompanied by Form PTO 1449 annexed hereto as **Exhibit B**. Applicants also annex hereto as **Exhibit C** a Statement In Accordance With 37 C.F.R. §1.97 (e) (2) as required in support of the Information Disclosure Statement.

Applicants maintain that the foregoing explanation for the need to disclose the references and the reason the references were not earlier submitted constitutes good and sufficient reason for withdrawing this application from issue. Accordingly, applicants respectfully request that this Petition be granted, the subject application be withdrawn from issue and the contingent Information Disclosure Statement be considered.

This Petition is also accompanied by an Amendment, attached hereto as **Exhibit D**. Applicants respectfully request that the attached Amendment be considered and entered in the event this Petition is granted and the subject application is withdrawn from issue.

This Petition is being hand delivered to Ms. Cecilia Tsang, Special Program Examiner, Technology Center 1600, as per her suggestion during an August 6, 2002 telephone conference between Ms. Tsang and Dr. Nicholas F. Muto of the office of applicants' undersigned attorney.

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This Petition is accompanied by the Petition fee of \$130.00 set forth in 37 C.F.R. §1.17(h) and the Information Disclosure Statement fee of \$180.00 set forth in 37 C.F.R. §1.17(p).

No fee, other than the enclosed \$310.00 which includes the \$130.00 Petition fee and the \$180.00 fee for filing an Information Disclosure Statement, is deemed necessary in connection with the filing of this Petition. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

If a telephone interview would be of assistance in advancing the prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

Respectfully submitted,


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